

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of SAMONA GALLIMORE,  
DASHAWN JAVAIRE GALLIMORE, and  
FAYEA CHARTRES AZRIEL GALLIMORE,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LATRES CHARMANE GALLIMORE,

Respondent-Appellant.

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UNPUBLISHED

July 25, 2006

No. 266960

Oakland Circuit Court

Family Division

LC No. 05-707629-NA

Before: Neff, P.J., and Bandstra and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), (j), (k)(iii), and (k)(iv). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent adopted the three minor children, but her subsequent care of them resulted in a history with Children's Protective Services regarding improper supervision and suspected physical abuse of the middle child. After that child's right femur suffered a compound transverse fracture (the child told hospital personnel that respondent had punched him in the face and stomped on his leg when he refused to take some medicine), respondent was criminally charged with first-degree felony child abuse and a termination petition was filed. Respondent entered a plea of no contest to the petition's allegations. At the best interest hearings, evidence was presented about respondent's psychological evaluation, at which she maintained that the child's leg had been broken in a fall from a standing position. Based on respondent's continued refusal to admit her abusive behavior, the evaluator opined that it was highly unlikely that she could be successfully treated for this problem. In addition, the evaluator did not believe respondent was capable of addressing the special needs of the children. Witnesses presented by respondent stated that they had never observed her excessively disciplining the children, although one witness's credibility was brought into question by her own actions in tying the legs of one of the children. Another witness admitted on cross-examination to taking that same child to the hospital for an injury, which the child reported had been caused by a kick by respondent.

In closing argument, the guardian ad litem argued against the termination of respondent's parental rights.

Because respondent's no contest plea provided clear and convincing evidence to terminate her parental rights to the children, the only remaining issue was whether termination of respondent's parental rights was clearly against the best interest of the children. We review for clear error the trial court's decision with regard to the children's best interests. *In re Trejo, Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). On appeal, respondent failed to mention the incident of serious physical abuse inflicted upon the child whose leg was broken. Although the pending criminal matter explains some of this avoidance, respondent's continued denials could not withstand the incontrovertible medical evidence or the statements made by the children. While it is true that the children were strongly bonded to respondent and insistent in their desire at reunification, the trial court correctly concluded that they were "not in a position to properly assess their own safety needs." The trial court did not err in terminating respondent's parental rights.

We affirm.

/s/ Janet T. Neff  
/s/ Richard A. Bandstra  
/s/ Brian K. Zahra